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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 MARCUS LINTHECOME,) CASE NO. CV 18-5274-JGB (PJW)
11)
12 Petitioner,)
13) ORDER DISMISSING HABEAS CORPUS
14 v.) PETITION WITH LEAVE TO AMEND
15 KENNETH BLACK, ET AL.,)
16)
17 Respondents.)
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16 Petitioner, who is currently incarcerated in West Valley
17 Detention Center, Rancho Cucamonga, has filed a new Petition for Writ
18 of Habeas Corpus under 28 U.S.C. § 2254, contending that Respondents
19 have deprived him of his rights under the Fifth and Fourteenth
20 Amendments. For the following reasons, the Petition is dismissed
21 without prejudice to filing a first amended petition.

22 The purpose of habeas corpus is to attack the legality of a
23 conviction or the length of a sentence. See *Preiser v. Rodriguez*, 411
24 U.S. 475, 486-88 (1973); *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir.
25 1979). The instant Petition, however, is a barely-legible jumble of
26 allegations regarding his arrests, prior prison terms, and current
27 incarceration, mixed with complaints about the conditions of his
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1 confinement.¹ Although the Court might infer from Petitioner's
2 previous filings and related cases that he is continuing to allege
3 that his Static-99 score was tampered with--leading to the wrongful
4 imposition of parole conditions (see *Linthecome v. Alfaro*, CV 18-1787-
5 JGB (PJW))--the Court is still unable to discern what convictions and
6 what sentence Petitioner is seeking to challenge, and on what federal
7 constitutional grounds.²

8 If Petitioner desires to proceed in the instant matter, he must
9 file a "First Amended Petition" by **September 14, 2018**. For his First
10 Amended Petition, Petitioner must use and complete the attached form
11 Petition for Writ of Habeas Corpus by a Person in State Custody.
12 Petitioner is admonished to read and follow the instructions set forth
13 on the form. Petitioner must set forth his claims as simply and
14 concisely as possible, indicating which conviction or sentence he is
15 challenging and on what grounds.

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19 ¹ For example, on page two of his form petition, in the section
20 entitled "State reason for civil commitment or, if criminal
21 conviction, state nature of offense and enhancements," Petitioner
22 describes two state court cases, but then notes that he has not yet
23 been convicted in either case. In paragraph 40 of his handwritten
24 statement of "supporting facts," Petitioner explains that he has
"endured an endless camp[aign] of harassment and physical abuse and
excessive force[]" in the detention center, leaving him injured. In
paragraph 54, he alleges that he is losing weight because he is not
able to eat "non-Halal/non-Kosher food[.]"

25 ² Once again, the Court notes that Petitioner's complaints about
26 the conditions of his confinement must be brought in a civil rights
27 action for compensatory and injunctive relief pursuant to 42 U.S.C.
28 § 1983, although he has already incurred "three strikes" under 28
U.S.C. § 1915 and, thus, would have to submit the \$400.00 filing fee
before being allowed to proceed. (See *Linthecome v. Alfaro*, CV 17-
872-SKO (PC), July 14, 2017 Order.)

1 Accordingly, the instant petition is dismissed with leave to
2 amend. The Clerk shall attach a blank form Petition for Writ of
3 Habeas Corpus (CV-69), labeled "First Amended Petition," and marked as
4 case number CV 18-5274-JGB (PJW). Petitioner is forewarned that if he
5 does not timely respond to this Order, the Court will recommend that
6 the case be dismissed with prejudice.

7 IT IS SO ORDERED

8 DATED: August 17, 2018



PATRICK J. WALSH
UNITED STATES MAGISTRATE JUDGE